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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

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Draft Reply of the Assembly to the Supplementary Report to the Fifth Report of the Committee of Ministers referred to the Committee on General Affairs

Communication
Parliamentary Assembly

1. SECTION I - Steps taken to achieve the aims of the Council of Europe

1.1. CHAPTER 1 - Economic Questions - Reply presented on behalf of the Committee in Economie Questions by I. Federspiel

1.1.1. Air Transport

The Assembly has noted the communication from the Committee of Ministers on the work of the Conference on the co-ordination of Air Transport in Europe.

The Assembly considers that it is not in a position to express an opinion on the substance of this question or on future relations with the European Civil Aviation Conference until it has studied the complete report of the Conference, which it hopes to receive shortly.

1.1.2. The Strasbourg Plan

The Assembly reminds the Committee of Ministers of the opinion which it expressed on this question in its Reply to the Special Message of the Committee of Ministers transmitting to the Consultative Assembly the programme of work of the Council of Europe (Doc. 279 , para. 2 7) .

1.2. CHAPTER 2 - Social Questions - Reply presented on behalf of the Committee on Social Questions by M. Heyman

Paragraplis 11-14 : Social Committee

The Assembly has already in Opinion No. 9 (1 9 5 4)[1]expressed its satisfaction at the creation of the Social Committee. I t appreciates that the terms of reference of that Committee allow of a certain right of initiative on the part of the Committee. It way, thus, on the basis of the knowledge and experience in the social field which

1. This is the Opinion of the Assembly on the social part of the Special Message containing the programme of work of the Council. In this Opinion the following reference was made to the Social Committee : "The Assembly appreciates particularly the creation of a Social Committee composed of senior officials of the appropriate national Government Departments. This will greatly facilitate and stimulate the future social work of the Council of Europe and secure its continuity. The Assembly considers that, on the whole, the proposed terms of reference of the Social Committee are satisfactory, although they differ somewhat from what was' suggested in Recommendation 27 (1952). The main thing is that the new committee should be left a certain latitude to make suggestions of its own to the Committee of Ministers. The Assembly would, however, like to see included in the terms of reference the last item proposed in Recommendation 27 (1952); which reads as follows: "To keep the Committee on Social Questions of the Consultative Assembly as fully

it will represent, improve and complete the social programme, if needed. The Assembly realises that there are -certain constitutional difficulties which may prevent joint meetings of the Social Committee and the Committee on Social Questions. It appreciates the efforts of the Committee of Ministers to meet the point of of the Assembly by suggesting that representatives of the two Committees may come together and discuss common problems. Nevertheless, the Assembly must express a certain concern with regard to the fact that the Committees of Experts, and that applies also to the new Social Committee, do their work in isolation from the Assembly. This isolation involves the danger that in all technical fields the work of the Council of Europe will be carried out almost exclusively by experts whose competence no one will deny but who have no opportunity of receiving the political guidance which it is the function of the Assembly to give. If the conclusions of the experts are submitted directly to the Committee of Ministers, this danger is accentuated. In the view of the Assembly, it would be very helpful if the conclusions of the Social Committee, after each of its sessions, could, if they are not in conformity with the views of the Assembly, be transmitted to the Committee on Social Questions of the Assembly, before any definite action is taken with regard to them by the Committee of Ministers. The Assembly has noted that the Social Committee, at its first meeting, will hold a preliminary exchange of views on the social programme as a whole. In this connection, the Assembly would like to stress again the importance which it attaches to the elaboration of a European Social Charter. The Assembly has already undertaken a preliminary study of the question and will submit to the Committee of Ministers an opinion in broad general terms on the nature of the Social Charter with the preparation of which the Social Committee has been charged.

Paragraphs 15-17: European Code of Social Security

The Assembly appreciates the progress made with regard to the preparation of the Code. It agrees that the level of social security embodied therein must certainly be higher than the minimum standards laid down in International Labour Convention No. 102 ; otherwise, the whole idea of the Code would be defeated. It hopes that, in addition to the Code proper, the protocol, to which the Committee of Ministers refers, will be drawn up on the lines mentioned in the Report[2]The Assembly would like to express a certain concern about the clauses regarding implementation which will be included in the Code[3]It hopes that these clauses will not be used in such a way that the value of the Code is reduced.

Paragraphs 18-20 : Interim Agreements on Social Security and Convention on Social and Medical Assistance

The Assembly wishes to commend those Governments that have already ratified these instruments. It hopes that other Governments will follow suit as soon as possible.

Paragraphs 21-25 : Public Health

The Assembly takes a great interest in the work which has been initiated in the field of public health. I t wishes to be kept informed of any further progress and it has, in its reply to the Report of the World Health Organisation, expressed its warm appreciation of the co-operation give by that organisation.

1.3. CHAPTER 3 - Refugees and Over-population - Reply presented on behalf of the Committee on Population and Refugees by M. Mercouris

1. The Assembly notes with satisfaction that the Committee of Ministers intends to devote a separate chapter in the Programme of Work of the Council to the problem of refugees and over-population dealing particularly with the scheme at present being worked out by the Special Representative, as the Assembly had requested in its last Reply to the Committee of Ministers.

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informed as possible of the progress of its work." I t is important that the new committee should work in as close liaison as possible with the Assembly and its Committee on Social Questions. The Assembly, therefore, is of the opinion that joint meetings of the two committees should be held from time to time."

2. This protocol is intended to involve a highor level of social security, to which those Member States which nro ablo to do so may adhere, and which would constitute the "European" level of social security which all Members will strive to reach.

3. The purpose of these clauses is to render it possible, in evaluating the level of social security, to take into consideration various aspects of social security other than the amount of benefits and the scope of protection, such as for example the duration of benefits and the conditions for obtaining them, as well as social security benefits not included in International Labour Convention No. 102.

2. During the September Session, M. Pierre Sehneiter, Special Representative of the Council of Europe, has kindly given the Committee on Population and Refugees some indication of the general lines of his plan, which the Committee is happy to note will continue to be based principles consistently advocated by the Assembly.

3. The Committee is naturally desirous of studying as soon as possible the contents of M. Sehneiter's Report. The Assembly request the Committee of Ministers to authorise the Secretary- General to transmit this Report to the Committee on Population and Refugees as soon as it has been received from M. Schneiter, so that the Committee may examine the scheme in detail during the inter-session.

4. The Assembly is following with sympathetic interest the course of the discussions in progress concerning the proposals of the Netherlands Government, and hopes to have an opportunity of expressing its opinion on this aspect of a problem which has always been one of its major concerns.

1.4. CHAPTER 4 - Cultural Questions - Reply presented on bohalf on the Committoo on Cultural nd Soiontific Questions by Mr. Hollia

1.4.1. Cultural Programme and Budget for 1955

In its Opinion on Chapter IV of the Special Message of the Committee of Ministers (Doc. 281), the Assembly stated that it felt that the limited financial resources at present possessed by the Council of Europe for developing its cultural activities were quite inadequate to meet the legitimate needs of an organisation representing the common will of fifteen nations. I t therefore strongly recommends a considerable increase in the cultural budget of the Council of Europe.

1.4.2. Implementation of the programme

The Assembly considers it a primary condition for its co-operation in implementing the cultural programme, as presented by the Committee of Ministers in its Special Message, that official and personal contacts be established between its Committee on Cultural and Scientific Questions and the Committee of Cultural Experts. Only new formulas for synchronising the work of these two organs can secure a really effective exchange of views. So long as exchanges are confined to official documents alone they cannot, in view of the inevitable delay between the communication of reports and the replies thereto, be other than formal in character.

This theme, moreover, formed the main subject of the Opinion of the Assembly on the cultural parts of the programme of work contained in the Special Message (Doc. 281).

I n repeating this wish the Assembly urges the Committee of Ministers to consider the possibility of authorising the members of the Committee of Cultural Experts to meet the members of the Committee on Cultural and Scientific Questions.

The Committee on Cultural and Scientific Questions will designate four of its members who will be prepared to visit Strasbourg between 20th and 24th October next, when the Committee of Experts will be meeting. If the Committee of Ministers could agree to the holding of a first official meeting on that occasion, a joint Sub-Committee might be set up as recommended in the Assembly's Opinion to enable representatives of the two organs to reach agreement without delay on ways and means of ensuring their future co-operation.

1.4.3. Presentation of the European idea in the teaching of history

The Assembly notes with satisfaction that the work on this subject is being continued and awaits with interest the Report which it understands is being prepared by the Cultural Experts.

1.4.4. Council of Europe Research Fellowships

While expressing its full satisfaction with the way in which the Council of Europe research fellowships have been awarded this year and cordially approving the publicity which the Committee of Ministers has ensured for this award by securing the services of such distinguished Europeans as MM. Schuman, van Kleff ens and Toynbee', the Assembly wonders whether, in the interests of closer co-operation between itself and the Committee of Ministers, it would not be desirable for one of its own Representato sit on the Selection Board in future.

1.4.5. Course on European Studies

The Assembly welcomes the organisation of the "Course on European Studies". The formula adopted this year appears to offer a most novel and effective means of acquainting higher education circles with the activities of the Council of Europe.

The Assembly much appreciated the invitation to the members of its Committee on Cultural and Scientific Questions to attend the opening meeting of this Course on Tuesday, 14th September, 1954, and suggests that at future courses of a like nature, which it sincerely hopes will be duly arranged, some of its Representatives may be invited to make a personal contribution thereto.

1.4.6. European Convention on the equivalence of diplomas leading to admission to universities

The Assembly notes with satisfaction the entry into force of the European Convention on the equivalence of diplomas leading to admission to universities.

1.5. CHAPTER 5 - Legal and Administrative Questions - Reply presented on behalf of the Committee on Legal and Administrative Questions by M. Rolin

1.5.1. Programme of Work of the Council of Europe in the legal field

The Assembly has taken note that the memorandum which the Committee of Ministers has instructed the Secretariat-General to draft on the role of the Council of Europe in the legal field is in course of preparation.

1.5.2. Convention for the Protection of Human Rights and Fundamental Freedoms

The Assembly has noted that all Member States except three, namely Belgium, Prance and Italy, have now deposited their instruments of ratification of the Convention with the Secretary- General. It is earnestly hoped that these three States will soon ratify the Convention. As regards the competence of the Commission of Human Rights, to receive individual petitions, the Assembly regrets that, so far, only three Member States, namely Denmark (for two years), Ireland and Sweden have made the declaration under Article 25 of the Convention recognising the competence of the Commission in this respect.

I t is recalled that on 24th September, 1953, the Assembly, in Eecommendation 52, strongly recommended to Member Governments, through the Committee of Ministers, that they should reconsider their attitude in this matter.

So far, however, despite urgent requests for information, no reply has been received from the Governments as to their intentions except in the case of the United Kingdom which was negative. The Assembly has, therefore, adopted the following Resolution :

"The Assembly notes with regret that only Denmark, Ireland and Sweden have so far made the declaration under Article 25 of the Convention for the Protection of Human Rights and Fundamental Freedoms, recognising the competence of the Commission of Human Rights to receive individual petitions, whereas at least six such declarations are required before the Commission can exercise that power even in respect of countries which have made the necessary declaration.

The Assembly recalls that if the protection of Human Rights is dependent on the initiative of Governments there is every reason to fear that this protection will remain a dead letter or that, on the rare occasions when Governments take such initiative, their actions will be suspected of being prompted by political' motives, s6 that the hearing of the complaint will assume a similar character.

The Assembly therefore urges the Representatives from States which have not yet made the declaration in accordance with Article 25 of the Convention for the Protection of Human Rights and Fundamental Freedoms to request their Governments to reconsider their attitudes on this question."

1.5.3. Simplification of frontier formalities for travellers

The Assembly notes that the Ministers' Deputies have set up a working party to consider the comments of Member Governments on Recommendations 51 and 59. I t is greatly to be hoped that the working party will examine these Recommendations thoroughly and that it will call on the advice of experts where necessary.

The Assembly will follow the work of this Working Party with the greatest interest and, with this object in view, expresses the wish that the working Party will keep in touch with the appropriate Sub-Committee of the Committee on Legal and Administrative Questions.

The views of the Assembly on this question were clearly expressed in the reply to the Committee of Minister's Special Message transmitting the Programme of Work.

1.5.4. European Convention on the Reciprocal Treatment of Nationals

The appropriate Sub-Committee of the Committee on Legal and Administrative Questions held a joint meeting with a number of Experts from the Governmental Committee on 10th and 11th September, 1954. An interesting discussion took place, and it is now hoped that the Committee of Experts will be able to agree to a final draft. The Assembly is at the disposal of the Committee of Ministers should it be thought useful that the Assembly shoiüd examine the Convention again before it is signed by Member Governments.

t is desired to put on record that the two joint meetings so far held between Assembly Representatives and Government Experts have shown the usefulness of this procedure and it is greatly to be hoped that such joint meetings will become more frequent.

1.5.5. European Convention on Extradition

The Assembly has now adopted a Recommendation on the conclusion of a European Convention on Extradition which has been transmitted separately to the Committee of Ministers. I t is hoped that the Committee of Ministers will now instruct their Experts to pursue their work with a view to the preparation of a multilateral convention and that the joint meeting between Assembly Representatives and Government Experts will be held in the near future.

1.5.6. European Convention on the Peaceful Settlement of Disputes

The Assembly's Committee on Legal and Administrative Questions is giving active consideration to the draft Convention submitted by the Committee of Ministers. The Swedish Representatives on that Committee have, however, put forward certain important proposals which will require careful study by the Committee. The Committee of Ministers can be assured, however, that an Opinion on this draft Convention will soon be forwarded to them.

1.5.7. Draft Agreement with the Hague Conference on Private International Law

The Assembly has taken note of the explanations of the Committee of' Ministers concerning the amendments which it proposed last year to the draft Agreement with the Hague Conference. The Assembly does not wish to press the matter further and accepts the position.

1.6. CHAPTER 7 - Participation of Local Authorities in European activities - Reply presented on behalf of the Speoit Committee on Munieipe and Regional Affairs by M. Ebiizziya

The Assembly would more fully appreciate the reasons for the regret expressed at the tone it adopted in its Reply to Chapter 7 of the Fifth Report of the Committee of Ministers, if the Committee of Ministers for its part were to show a fuller understanding of the reasons for the disappointment which the Assembly felt on reading that Chapter.

The Assembly appreciates the Committee's detailed explanation of the reasons for its attitude towards the Recommendations of the Assembly. I t notes with satisfaction that Recommendation 53 has been partly accepted, although on condition that it shall not lead to any increase in the Council's expenditure.

I t regrets, however, that the Committee of Ministers has not been able to accept the rest of that Recommendation.

The reasons given for this refusal seem to the Assembly to be unconvincing, not only because they have arisen between the issue of the Fifth Report and that of the Supplementary Report, but also owing to certain fundamental considerations. The Assembly has, however, made the fullest allowance for the motives invoked by the Committee of Ministers and has striven in its new draft to find formulae which will make possible an agreement — which it regards as very important — in order to further and extend the promotion of the European idea and the preparation of a future in which that idea shall be given practical expression at an early date.

1.6.1. Measures to be adopted to assist local authorities in their "pro-European activities"

The Assembly appreciates the reasons for which the Committee of Ministers considers it difficult to encourage Member Governments to adopt a helpful attitude with regard to the pro-European activities of local authorities. It fails, however, to perceive what could be the difficulties presented by the preparation of a declaration by the Committee of Ministers, expressing its approval of such activities — a declaration which the Secretary-General might communicate to the national associations of local authorities.

The Committee of Ministers must be aware that such a declaration would be of considerable help to local authorities in certain countries whose European spirit is sometimes rather hesitantly expressed. The Assembly feels convinced that the Committee of Ministers will ultimately agree with its views.

1.6.2. Preparation of a document on the "pairing" of municipalities

The Assembly is glad that the Committee of Ministers has finally decided to instruct the Secretary-General to prepare this document and notes that it will be submitted to the Assembly in draft form for an opinion.

1.6.3. Annual award of a "European Prize" to the European municipality which has done most to propagate the ideal of European unity

"The Committee of Ministers", declared the Fifth Report, "while appreciating the motives underlying the proposal that a European Prize should be annually awarded... feels this idea to be premature for the same reasons as those advanced in 1952 against the award of a Council of Europe Prize."

The Assembly's reply to this paragraph, given last May, was that " t h e Assembly is at a loss to find any reasons which render such an award premature. It reminds the Committee of Ministers that the only argument advanced against the award of a Council of Europe Prize for the best literary work was the existence of a similar prize offered by the European Cultural Centre at Geneva. But no prize exists in Europe in any way comparable with that which the Assembly would like to see awarded to municipalities."

I n its Supplementary Report, the Committee accepts this comment, but nevertheless continues to oppose the award of a prize, though now on practical grounds and not for reasons of suitability. The Committee of Ministers fears that it would be impossible to reach agreement on the criteria by which such an award could be judged, and hesitates to undertake the task of applying these criteria to the great numbers of competing activities — a task which the Committee describes, not without exaggeration, as formidable.

The Assembly wishes to make it clear that it never intended to ask the Committee of Ministers to be responsible for selecting the prize-winning municipality. This task might appropriately be entrusted to representatives of the associations of local authorities, who would be specially appointed for the purpose. The permanent Working Party whose creation was requested in Recommendation 53 might also undertake this task.

The Assembly therefore feels it necessary to urge the Committee of Ministers to reconsider its position and to put the necessary funds for this prize at the disposal of the Secretary- General.

1.6.4. Establishment of a permanent working parily composed of members of the Committee and representatives of the national associations of local authorities

The Assembly appreciates the detail into which the Committee enters, in its Supplementary Report, to justify its refusal to set up the Working Parity which was requested.

The Assembly has devoted particular attention to certain arguments, which indicate some measure of agreement between the Assembly and the Committee of Ministers on the general aspect of the question.

The Assembly notes, however, that, in the opinion of the Committee, it would be far more sensible for the Assembly to develop its contacts with international associations of local authorities than for it to enter into direct organic relations with national associations.

The Assembly sincerely believes that there are no means of further developing the relations already established with the large associations of local authorities. It notes that the Committee of Ministers makes no suggestions on this point.

The Committee of Ministers is aware that the aims and composition of the two most important of these international associations — the International Union of Local Authorities and the Council of European Municipalities — overlap and to a certain extent duplicate each other. That is one reason why the Assembly

considered it desirable to set up a single consultative body which would include representatives of the national associations belonging to both these organisations, and would thus remedy the chief inconvenience resulting from the lack of a single international organisation, and make an effective contribution towards co-ordinating the views of the two organisations. There are, however, further reasons why this institution is desirable. Chief of these is the fact that an appreciable number of national associations of local authorities, and not the least important of them, belongto neither of the international organisations mentioned above, or take only a very small part in their activities.

The Assembly feels that its position will be clearer if it states its readiness to accept the views of the Committee of Ministers, on two conditions: first, that a single international organisation of local authorities shall be established and, secondly, that all national associations of local authorities of any importance shall belong to it.

The Assembly looks to the Committee of Ministers for the sympathy and assistance which will enable it to further the desired coordination and, in course of time, to have the above conditions satisfied.

1.7. CHAPTER 8 - European Nations not represented in the Council of Europe - Reply presented on behalf of the Special Committee for European Nations not represented in the Council of Europe by M. Janssens

European Cultural Fund for Exiles

The Assembly takes note with regret that unanimous support for its proposal to set up a European Cultural Fund for Exiles is not likely to be forthcoming for the present and that the best that can be hoped for is a partial agreement between certain Member States. This situation is only accepted for the time being by the Assembly so that plans may go forward among the countries willing to support the idea of the Fund and in the hope that those countries which are now reluctant may find it possible to join them at a later date.

The Assembly proposes to the Committee of Ministers that a member of the Special Committee to watch over the interests of European nations not represented in the Council of Europe should be invited to explain to the Cultural Experts to whom the question has now been referred, the aims and purposes of the Fund. It is also requested that the Committee of Ministers should transmit to the Special Committee, through the Clerk of the Assembly, such information about the progress of the work of the Committee of Experts as might be of interest to the Special Committee in this connection.

Future of the subject nations of Central and Eastern Europe. Religious persecution in these nations

The Assembly welcomes the decision of the Committee of Ministers to place Resolution 47 on the future of the subject nations of Central and Eastern Europe oh their agenda at their next meeting. It has now adopted a Resolution on the continued religious persecution in these countries and has instructed the Clerk to the Assembly to forward it to the Committee of Ministers for information and such action as may be deemed appropriate.

Participation of European non-Member States in certain of the Council of Europe's activities

The Assembly has also adopted Resolution 57 on the participation of European nonMember States in certain of the Council of Europe's activities. Paragraph 1 of this Resolution calls for action by the Committee of Ministers, and the Assembly has therefore requested its President to forward it to the Committee of Ministers.

2. SECTION II

(See Doc. 306)

3. SECTION I II - Relations with international and supranational organisations

3.1. CHAPTER 1 - European Coal and Steel Communit - Reply presented on bohalf of the Committee a Economic Questions by I. Federspii

Reply to the second General Report of the High Authority of the E.C.S.C.

The Assembly notes the intention of the Committee of Ministers to make known shortly its observations on the second General Report of the High Authority and in doing so to take into account the Reply of the Assembly, which will be transmitted at the same time.